



USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

17. Summary of Permitted and Allowed Uses in the Zoning Districts

(see zoning ordinance §78-400, *Table of Principal Permitted and Allowed Uses*, and §78-402, *Accessory Uses and Structures*)

The Town of Herndon zoning ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

How does the Zoning Ordinance Handle Land Uses?

The Commonwealth of Virginia provides that local jurisdictions may zone land according to land use, based on the local comprehensive plan. The Mayor and Town Council of Herndon adopted a zoning map which is regulatory and which helps describe where land use activities may be conducted within the town. The zoning map is a legal document and the regulations associated with it (the zoning ordinance) are law. They provide information about "permitted and allowed" uses in each zoning district. The zoning map depicts residential districts, business districts, industrial districts, and planned development districts.

For zoning purposes, Herndon also categorizes land uses as "permitted by right," "allowed," permitted by "special exception," or not permitted at all. "**Allowed**" uses occur only in planned development districts, because the list of uses is approved at the time the planned development is approved by the Town Council. A **special exception** use ordinarily might not be permitted; however, the zoning ordinance provides that applying certain standards on a case by case basis works to make the use acceptable and compatible with other uses. All zoning districts in the Town, except planned development districts, have specific uses that are classified as "special exceptions." For example, government buildings are permitted only with a special exception to ensure that the proposed building is harmonious with its surroundings. Some uses, such as restaurants, are permitted "by right" in some districts and by "special exception" in other districts.

Sometimes, certain uses are accessory (secondary) to other uses (principal or primary uses.) As an **accessory use**, the proposed use must meet standards provided in the ordinance, including:

- ✍ Not exceed an amount of floor area equivalent to 20 percent of the total floor area of the principal use to which it is accessory.
- ✍ be compatible with adjacent land uses in terms of hours of operation, noise, lighting, parking and similar considerations.

The attached tables list every use that is permitted by right, allowed in a planned development, permitted as a special exception, permitted as an accessory use, or permitted as an accessory use with a special exception. Almost all uses have specific standards explained in zoning ordinance Article IV, *Use Regulations*. A blank cell indicates that the use is prohibited in the zoning district.

What if a Land Use is not shown in the Tables?

Where a particular land use is not specifically listed in the *Table of Principal Permitted and Allowed Uses*, or the *Table of Permitted and Allowed Accessory Uses* the Zoning Administrator may consider permitting the land use based on a procedure described in zoning ordinance Section 78-401(A)(7)(b), *Standards for Approving Unlisted Uses*. The request shall be treated as an Interpretation pursuant to Section 78-202(L), *Determinations*. The Zoning Administrator shall give due consideration to the intent of this Chapter concerning the zoning district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. Based on these considerations, the Zoning Administrator may find that the proposed use is not permitted in any district.

By contrast, where a particular use is specifically listed in one district in Table 78-400, *Table of Principal Permitted and Allowed Uses*, and a blank cell is shown in a second district, the use is considered specifically

prohibited in the second district, and the Zoning

Administrator may not permit the use.

Need more information?

Got a question on required permits, the permit process, or application requirements? Call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding building permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20172.

User's Guide to the Zoning Ordinance Series

1. Neighborhood Meetings and Public Participation in the Planning and Zoning Process
2. Zoning Map Amendments
3. Signs
4. Special Exceptions
5. Site Plan Review Procedures
6. Single Lot Development
7. Chesapeake Bay Provisions
8. Traffic Impact Studies
9. Subdivision Site Plans
10. Unified Commercial Subdivisions
11. Performance Guarantees
12. Heritage Preservation Regulations
13. Board of Zoning Appeals
14. Conducting a Business in the Home
15. Fences
16. Accessory Structures
17. Summary of Permitted and Allowed Uses in the Zoning Districts
18. Summary of Dimensional Standards in the Zoning Districts
19. Commercial Vehicle Parking in Residential Districts
20. Parking on Lots with Single Family Detached Dwellings
21. Landscape and Buffer Requirements
22. Explanation of Variances, Waivers, Adjustments, and Exceptions
23. Fee Schedule
24. Temporary Use Permits, Special Events
25. Day Care, Child Care, Preschool and Home Day Care
26. Zoning Inspection and Zoning Appropriateness Permits
27. Written (Mailed) Notification to Adjacent Property Owners for Scheduled Public Hearings
28. Refuse Collection on Private Property
29. Exterior Lighting Standards
30. Vacating a Street Right-of-Way

Table of Principal Permitted and Allowed Uses

(see also Table of Permitted and Allowed Accessory Uses and Table of Allowed Temporary Uses and Structures)

*Notes:**1. P = use permitted in the zoning district**2. SE – use permitted only by special exception (see also Section 78-202(C))**3. A = uses permitted in planned development district when approved as part of a zoning map amendment**4. Any principal use allowed or permitted by right in this table is permitted by Special Exception in the Floodplain Overlay District, in accordance with Section 78-304(B)(4)(a)*

		RESIDENTIAL				BUSINESS				PLANNED DEVELOPMENT		
USE CATEGORY	USE TYPE	R-15	R10	RTC	RM	CCD	CS	CO	O&LI	PD-R	PD-B	PD-D
Residential	Single -family detached dwelling	P	P							A		A
	Duplex Dwelling			P						A		A
	Townhouse dwelling			P	P					A		A
	Townhouse rental residential development			P	P					A		
	Quadruplex dwelling				P					A		A
	Multi-family dwelling (including residential rental townhouses)				P					A		A
	Housing for the elderly				P	P				A		A
	Assisted Living for the Elderly and Persons with Disabilities				P					A		A
	Group home	P	P	P	P					A		A
Education	Childcare Center, Daycare Center or Preschool	SE	SE			SE		SE	SE		A	A
	Post Secondary Education and Career Schools							SE	SE		A	
	School, public or private (K-12)	SE	SE					SE		A	A	A
Government Facilities	Government buildings, facilities and uses not otherwise categorized	SE	SE	SE	SE	SE	SE	SE	SE	A	A	A
Institutional and Community	Cemetery	SE	SE									
	Community centers	SE	SE	SE	SE	SE		SE		A	A	A
	Convalescent home							SE			A	
	Hospital						SE	SE	SE		A	
	Library	SE	SE			P	P			A	A	A
	Museum, Fine Arts Center					P		SE	SE		A	A
	Religious institution, with a capacity of 300 or fewer persons gathered for religious observance in, with or without any accessory schools, daycare centers, or recreational facilities	SE	SE					SE	SE	A	A	

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USE CATEGORY	USE TYPE	R-15	R10	RTC	RM	CCD	CS	CO	O&LI	PD-R	PD-B	PD-D
Service Uses	Religious institution, with a capacity of more than 300 persons gathered for religious observance , with or without accessory schools, daycare centers, or recreational facilities	SE	SE							A	A	
	Senior center	SE	SE			P				A	A	A
	Social service and similar community service uses					P		P	P		A	A
Eating Establishments	Restaurant					P	P	SE	SE		A	A
	Drive-In Restaurant [not drive-through window service]						SE					
Offices	All office uses, excluding any medical or health related services (see "health care facility")					P	P	P	P	A	A	A
Indoor Entertainment	Commercial recreation/ entertainment, indoor					SE	P		SE		A	A
Outdoor Entertainment	Commercial recreation/ entertainment, outdoor								SE		A	
	Private swimming pools and Tennis Courts	SE	SE									
Personal Services and Retail Sales	Animal hospital, Kennel, Pet Daycare, Animal Shelter, and Veterinary Clinic						P	SE	SE	A	A	
	Artist's studio or gallery					P	P	P	P	A	A	A
	Dry-cleaning/laundry drop-off and pick-up without on-site cleaning, laundromats					SE	P	SE	P	A	A	A
	Durable goods sales						P		SE		A	
	Financial institution					P	P	P	P		A	A
	Funeral home					P						
	Health Care Facility					P	P	P	P	A	A	A
	Health care laboratory					P		P	P		A	
	Mailing and packing service					SE	P	SE	P		A	A
	Personal services, general					P	P	SE		A	A	A
	Pharmacy					P	P	P			A	A
	Product repair and services					P	P	SE	P		A	A

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		RESIDENTIAL				BUSINESS				PLANNED DEVELOPMENT		
USE CATEGORY	USE TYPE	R-15	R10	RTC	RM	CCD	CS	CO	O&LI	PD-R	PD-B	PD-D
	Retail sales					P	P	SE			A	A
	School of Special Instruction					SE	P	SE	P	A	A	A
	Other Personal Services and Retail Sales uses					P	P	SE			A	A
Vehicle Sales and Services	Vehicle rental and sales as a principal use						SE		SE			
	Vehicle repair; transmission and muffler shops, sales of vehicle parts and tires						SE		SE			
	Vehicle full service wash and detailing						SE		SE			
	Recreational vehicle rental and sales						SE		SE			
	Vehicle fuel sales with or without convenience store						SE		SE			
Lodging Businesses	Conference center, hotel, motel, inn, boarding house, rooming house						SE		SE		A	A
Commercial Utilities	Commercial communication tower, freestanding								SE		A	
	Electrical substation						SE		SE		A	
	Telecommunication switching station						SE		SE		A	
	Utility-related maintenance and storage yards						SE		SE			
Industrial Service	Dry cleaning or laundry plants						SE		SE			
	Scientific research and scientific development								P		A	
	All other industrial service uses								SE		A	
Light Manufacturing	Uses Involving Freight Delivery, Storage, Mass Production and Transporting of Finished Products								SE			
	All Other Light manufacturing uses								P		A	
Self-Service Storage	Self-service storage uses								SE		A	
Transportation and Parking	Bus maintenance facility for public bus service								SE			
	Parking Facility, commercial, permanent					SE	SE	SE	SE		A	A

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		RESIDENTIAL				BUSINESS				PLANNED DEVELOPMENT		
USE CATEGORY	USE TYPE	R-15	R10	RTC	RM	CCD	CS	CO	O&LI	PD-R	PD-B	PD-D
Warehousing	Electronic warehousing						SE		P		A	
	Warehouse (storage)								SE			
Wholesale Sales	Contractor's materials								SE		A	
	Wholesale establishment								SE		A	

Table 402(C): Table of Permitted and Allowed Accessory Uses (See also Table of Principal Permitted and Allowed Uses and Table of Allowed Temporary Uses and Structures)
See also Use Specific Standards in this Section

	RESIDENTIAL				BUSINESS				PLANNED DEVELOPMENT		
Accessory Use	R-15	R10	RTC	RM	CCD	CS	CO	O&LI	PD-R	PD-B	PD-D
Accessory Dwelling Unit	SE	SE	SE						A		
Accessory Food Preparation Area	P	P	P								
Antennae of all kinds (except commercial communication antennae)	P	P	P	P	P	P	P	P	A	A	A
Vehicle rental						SE		SE		SE	SE
Vehicle wash accessory to other automotive uses						P		SE			
Caretaker or Security Guard's Residence						P		P			
Daycare Center, Childcare Center or Pre-School					SE	SE	SE	SE	A	A	A
Drive-Through Service						SE		SE		A	
Financial institutions, accessory					P	P	P	P		A	A
Home-Based Business, including Daycare or Childcare	P	P	P	P					A		A
Keeping of Livestock											
Minor utilities	P	P	P	P	P	P	P	P	A	A	A
Outdoor Seating of 25 seats or fewer					P	P	P	P	A	A	A
Outdoor Seating of more than 25 seats					SE	SE	SE	SE		A	A
Outdoor Storage as an Accessory Use						P		P			
Outdoor Display of Products for Sale					P	P					A
Parapets, Penthouses for Equipment and Other Roof Structures				P	P	P	P	P		A	A
Recreational Vehicle parking and storage of individually-owned vehicles	P	P	P	P					A		
School uses in conjunction with, and	SE	SE			SE			SE	A	A	A

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